

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Anticipated Classification of this application:

Class _____ Subclass _____

Prior application: 08/189,405

Examiner: S. Woo

Art Unit: 2743

BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D. C. 20231

FILING UNDER 37 CFR § 1.53(B)

This is a request for filing for a continuation application under 37 CFR § 1.53(b) of pending prior application Serial No.08/189,405, filed January 27, 1994.

Inventor: Ronald A. Katz

for: COMMERCIAL PRODUCT ROUTING SYSTEM WITH VIDEO
VENDING CAPABILITY

I. PAPERS ENCLOSED WHICH ARE REQUIRED FOR FILING DATE UNDER 37 C.F.R. §1.53(B)

46 Page(s) of Specification
4 Page(s) of Claims
1 Page(s) of Abstract
7 Sheet(s) of Drawings x formal informal
2 Page(s) of Declaration and Power of Attorney
3 Page(s) of Small Entity Statement

II. AMENDMENTS

- ☐ Cancel in this application original Claims _____ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- ☒ A Preliminary Amendment and Request for Declaration of Interference Under 35 USC §135 and 37 CFR §1.607 is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

OC-27001.1

CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' (Label No. EL267174406US) in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

May 21, 1999
Date of Deposit

Denise N. Doss
Denise N. Doss

III. INFORMATION DISCLOSURE STATEMENT

☐ An Information Disclosure Statement with PTO 1449 are submitted herewith.

IV. PETITION FOR SUSPENSION OF PROSECUTION FOR THE TIME TO FILE AN AMENDMENT

☐ There is provided herewith a PETITION FOR SUSPENSION OF PROSECUTION FOR THE TIME NECESSARY TO FILE AN AMENDMENT (NEW APPLICATION FILED CONCURRENTLY).

V. FEE CALCULATION

BASIC FILING FEE:							\$760.00
Total Claims	18	-	20	=	0	x \$18.00	\$0.00
Independent Claims	5	-	3	=	2	x \$78.00	\$156.00
Multiple Dependent Claims	\$260	(if applicable)				<input type="checkbox"/>	\$0.00
Surcharge 37 CFR § 1.16(e)	\$130	(if applicable)				<input type="checkbox"/>	\$0.00
TOTAL OF ABOVE CALCULATIONS							\$916.00
Reduction by ½ for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28. If applicable, Verified Statement must be attached.							<input checked="" type="checkbox"/> \$458.00
Misc. Filing Fees (Recordation of Assignment)							\$0.00
TOTAL FEES SUBMITTED HEREWITH							\$458.00

☐ The fee for extra claims is not being paid at this time.

VI. SMALL ENTITY STATUS

A Verified Statement to establish small entity under 37 CFR §§ 1.9 and 1.27:

☐ is attached

☒ has been filed in the prior application and such status is still proper and desired. [37 CFR § 1.28(a)]

VII. DRAWINGS

[NOTE: DO NOT CHECK THIS IF PRIOR CASE IS NOT TO BE ABANDONED.]

☐ Transfer the drawings from the prior application to this application and, subject to Item 16 below, abandon said prior application as of the filing date accorded to this application. A duplicate copy of this request is enclosed for filing in the prior application file.

[May only be used if signed by (1) applicant, (2) assignee of record or (3) attorney or agent of record and before payment of issue fee. 37 CFR § 1.138.]

- ☐ Transfer the following sheet(s) of drawings from the prior application to this application.
- ☐ New drawings are enclosed ☐ formal ☐ informal

VIII. PRIORITY - 35 USC § 119

- ☐ Priority of application Serial No. _____ filed on _____ in _____ is claimed under 35 USC § 119.
- ☐ The certified copy has been filed in prior U.S. application Serial No. _____ on _____.
- ☐ The certified copy will follow.

IX. RELATE BACK - 35 USC § 120

- ☒ This application is a continuation of co-pending application Serial No. 08/189,405, filed January 27, 1994, which is a continuation-in-part of Serial No. 08/154,313, filed November 17, 1993, which is a continuation-in-part of Serial No. 08/067,783, filed May 25, 1993, which is a continuation-in-part of Serial No. 08/031,235, filed March 12, 1993, all of which are expressly and fully incorporated herein by reference.

X. INVENTORSHIP STATEMENT

- ☐ With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are):
- ☐ the same
- ☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:
- ☒ Pursuant to 37 CFR 1.63(d)(1), a copy of the executed oath or declaration as submitted in the prior application is filed herewith. Thus, a newly executed oath or declaration is not required.
- ☐ A newly executed oath or declaration is filed herewith.
- ☐ I hereby state that the amendment referred to in the declaration filed to complete the prior application, in accordance with the requirements of 37 CFR § 1.53(b), did not introduce new matter therein.

XI. ASSIGNMENT

- ☐ The prior application is assigned of record to _____. which assignment was recorded in PTO on _____, Reel _____, Frame _____.
- ☐ An original Assignment of the invention to _____ is attached.
- ☒ A copy of an Assignment of the invention to Telebuyer LLC which was submitted in prior application Serial No. 08/189,405 is attached.

XII. FEE PAYMENT BEING MADE AT THIS TIME

- ☐ Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]

- ☒ Attached.

- | | |
|--|-----------------|
| <input checked="" type="checkbox"/> Filing fees. | <u>\$458.00</u> |
| <input type="checkbox"/> Recording assignment. [\$40.00 37 CFR § 1.21(h)(1)] | — |
| Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached. | |
| [\$130.00; 37 CFR §§ 1.47 and 1.17(h)] | |
| <input type="checkbox"/> Petition fee to Suspend Prosecution for the Time Necessary to File an Amendment (New Application Filed Concurrently.) | — |
| [\$130.00; 37 CFR §§ 1.103 and 1.17(i)] | |
| <input type="checkbox"/> For processing an application with a specification in a non-English language. | — |
| [\$130.00; 37 CFR §§ 1.52(d) and 1.17(k)] | |
| <input type="checkbox"/> Processing and retention fee. | — |
| [\$130.00; 37 CFR §§ 1.53(f) and 1.21(l)] | |

Total Fees Enclosed \$458.00

XIII. METHOD OF PAYMENT OF FEES

- ☒ Attached is a check in the amount of \$458.00.
- ☐ Charge Deposit Account No. **12-2475** in the amount of _____.

XIV. AUTHORIZATION TO CHARGE ADDITIONAL FEES

The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. **12-2475**:

- ☒ 37 CFR § 1.16(a) (filing fees)
- ☒ 37 CFR § 1.16(b) (presentation of extra claims)
- ☒ 37 CFR § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☒ 37 CFR § 1.17 (application processing fees)
- ☐ 37 CFR § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR § 1.311(b))

XV. INSTRUCTIONS AS TO OVERPAYMENT

- ☒ Credit Deposit Account No. **12-2475**.
- ☐ Refund

XVI. POWER OF ATTORNEY

- ☐ The power of attorney in the prior application is to _____.
- ☒ The power of attorney in the prior application is to the registered attorneys listed below and members of or associates in the law firm of **LYON & LYON LLP**, 633 West Fifth Street, 47th Floor, Los Angeles, California 90071, Registration No. 11,611, whose members are registered to practice in the U.S. Patent and Trademark office:

Roland N. Smoot, Reg. No. 18,718
Conrad R. Solum, Jr., Reg. No. 20,467
James W. Geriak, Reg. No. 20,233
Robert M. Taylor, Jr., Reg. No. 19,848
Samuel B. Stone, Reg. No. 19,297
Douglas E. Olson, Reg. No. 22,798
Robert E. Lyon, Reg. No. 24,171
Robert C. Weiss, Reg. No. 24,939
Richard E. Lyon, Jr., Reg. No. 26,300
John D. McConaghy, Reg. No. 26,733
William C. Steffin, Reg. No. 26,811
Coe A. Bloomberg, Reg. No. 26,605
J. Donald McCarthy, Reg. No. 25,119
John M. Benassi, Reg. No. 27,483
James J. Shalek, Reg. No. 29,749
Allan W. Jansen, Reg. No. 29,035
Robert W. Dickerson, Reg. No. 29,914
Roy L. Anderson, Reg. No. 30,240
David B. Murphy, Reg. No. 31,125
James C. Brooks, Reg. No. 29,898

Jeffrey M. Olson, Reg. No. 30,790
Steven D. Hemminger, Reg. No. 30,755
Jerrold B. Reilly, Reg. No. 32,293
Paul H. Meier, Reg. No. 32,274
John A. Rafter, Jr., Reg. No. 31,653
Kenneth H. Ohriner, Reg. No. 31, 646
Mary S. Consalvi, Reg. No. 32,212
Lois M. Kwasigroch, Reg. No. 35,579
Lawrence R. LaPorte, Reg. No. 38,948
Robert C. Laurenson, Reg. No. 34,206
Carol A. Schneider, Reg. No. 34,923
Hope E. Melville, Reg. No. 34,874
Michael J. Wise, Reg. No. 34,047
Richard J. Warburg, Reg. No. 32,327
Kurt T. Mulville, Reg. No. 37,194
Theodore S. Maceiko, Reg. No. 35,593
Bruce G. Chapman, Reg. No. 33,846
F. T. Alexandra Mahaney, Reg. No. 37,668
James P. Brogan, Reg. No. 35,833
David T. Burse, Reg. No. 37,104
Michael J. Bolan, Reg. No. 42,339
Reena Kuyper, Reg. No. 33,830

- ☐ The power appears in the original papers in the prior application.
- ☐ The power does not appear in the original papers, but was filed on _____ in the prior application.
- ☐ A new power has been executed and is attached.
- ☒ Address all future communications to:

LYON & LYON LLP
633 West Fifth Street, 47th Floor
Los Angeles, California 90071
(714) 751-6606 or (213) 489-1600
Attention: David B. Murphy

XVII. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION

- ☐ A petition, fee and response has been filed to extend the term in the pending **prior** application until _____. A copy of the petition for extension of time in the **prior** application is attached.

XVIII. CONDITIONAL PETITIONS FOR EXTENSION OF TIME IN PRIOR APPLICATION

- ☐ A conditional petition for extension of time is being filed in the pending **prior** application. A copy of the conditional petition for extension of time in the **prior** application is attached.

XIX. ABANDONMENT OF PRIOR APPLICATION

- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item 2 above.

Respectfully submitted,

LYON & LYON LLP

Dated: May 21, 1999

By: David B. Murphy
David B. Murphy
Reg. No. 31,125
Attorneys for Applicants

DBM/dnd
633 West Fifth Street, Suite 4700
Los Angeles, California 90071-2066
(714) 751-6606

Enclosures